

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

COMMODITIES EXPORT COMPANY,

Plaintiff/Counter-Defendant,

v.

Case No. 09-CV-11060-DT

CITY OF DETROIT, UNITED STATES OF
AMERICA,

Defendants/Cross-Defendants,

and

DETROIT INTERNATIONAL BRIDGE
COMPANY,

Defendant/Counter-Plaintiff/Cross-
Plaintiff/Third Party Plaintiff,

v.

WALTER LUBIENSKI and DEAN AYTES,

Third Party Defendants.

/

**ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S "MOTION FOR
PERMANENT INJUNCTION AND DECLARATORY JUDGMENT"
AND SETTING BRIEFING DEADLINES**

On January 29, 2010, the court conducted a status conference in this case.

During the conference, the court proposed, and counsel agreed, that in light of the intervention of Defendant International Bridge Company ("DIBC"), the currently pending "Motion for Permanent Injunction and Declaratory Judgment" should be denied without prejudice to allow Defendant DIBC an opportunity to respond to the motion and to allow the parties to, perhaps, update their factual or legal arguments. The parties also

discussed and agreed upon a schedule for the next stage of filings. Consistent with the parties' agreements,

IT IS ORDERED that Plaintiff's November 15, 2009 "Motion for Permanent Injunction and Declaratory Judgment" [Dkt. # 25] is DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that by **February 5, 2010**, the following documents shall be filed:

- (1) Defendants City of Detroit and the United States of America shall file answers to Plaintiff's "Second Amended Complaint";
- (2) Defendant City of Detroit shall file its answer to DIBC's crossclaim;
- (3) Defendant United States of America shall file its own crossclaim against Defendant DIBC;
- (4) Defendant United States of America shall file its contemplated motion for judgment;
- (5) Plaintiff shall file its motion under Federal Rule of Civil Procedure 56 and/or Rule 12(b)(6)
- (6) Plaintiff shall file any motions for declaratory or injunctive relief.

ADDITIONALLY, IT IS ORDERED that, because all of the motions which are scheduled to be filed on February 5, 2010 are directed at Defendant DIBC, Defendant DIBC shall file all of its responses to the motions by **February 26, 2010**. Replies shall be due by the respective parties by **March 5, 2010**.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 29, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 29, 2010, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

S:\Cleland\JUDGE'S DESK\C3 ORDERS\09-11060.COMMODITIES.SettingBriefingDeadlines.wpd